

Message Text

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E.O. 11652: N/A

TAGS:ILO, ELAB, NI

SUBJECT:NIGERIAN GOVERNMENT REACTION TO CHARGE OF
VIOLATING ILO CONVENTION

REF: (A) LAGOS 8577, (B) GENEVA 4740 (NOTAL), (C)
STATE 163411

1. REF (A) AGAIN SHOWS FMG SENSITIVITY TO CHARGE OF
VIOLATION OF ILO CONVENTION EXHIBITED IN COMMISSIONER
ADEFOPE'S ADDRESS TO RECENT INTERNATIONAL LABOR CONFERENCE.
(REF B).

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2. IN ITS REPORT TO THE COMMITTEE ON THE APPLICATION OF
CONVENTIONS AND RECOMMENDATIONS, THE COMMITTEE OF EXPERTS
MADE THE FOLLOWING "OBSERVATIONS" RE NIGERIAN OBSERVANCE
OF CONVENTION 87 ON FREEDOM OF ASSOCIATION AND PROTECTION
OF THE RIGHT TO ORGANIZE (NIGERIA RATIFIED IN 1960. SIR
ADETOKUNBO ADEMOLA, CHANCELLOR OF UNIVERSITY OF NIGERIA AND

FORMER CHIEF JUSTICE IS MEMBER OF COMMITTEE OF EXPERTS.):

"THE COMMITTEE NOTES THE INFORMATION SUPPLIED BY THE GOVERNMENT IN ITS LATEST REPORT. IT TAKES NOTE OF THE TRADE UNIONS (CENTRAL LABOUR ORGANISATIONS) (SPECIAL PROVISIONS) DECREE, 1976 (NO. 44).

"ILO'S FREEDOM OF ASSOCIATION AND INDUSTRIAL RELATIONS, REPORT VII, INTERNATIONAL LABOUR CONFERENCE, 30TH SESSION, GENEVA, 1947, P. 52.

"PURSUANT TO THIS DECREE THE REGISTRATIONS OF THE EXISTING CENTRAL LABOUR ORGANISATIONS ARE CANCELLED. THE COMMITTEE CONSIDERS THAT THIS PROVISION ADOPTED BY THE FEDERAL GOVERNMENT IS EQUIVALENT TO AN ADMINISTRATIVE DISSOLUTION OF THE WORKERS' CENTRAL ORGANISATIONS, CONTRARY TO ARTICLE 4 OF THE CONVENTION.

"FURTHER, DECREE NO. 44 PROVIDES FOR THE APPOINTMENT OF AN ADMINISTRATOR WHO SHALL BE CHARGED WITH THE RESPONSIBILITY FOR PERFORMING ON BEHALF OF TRADE UNIONS THE SAME DUTIES AS ARE NORMALLY PERFORMED BY A CENTRAL LABOUR ORGANISATION. HE SHALL ALSO TAKE ALL STEPS NECESSARY TO EFFECT THE FORMATION OF A SINGLE CENTRAL LABOUR ORGANISATION TO WHICH SHALL BE AFFILIATED ALL TRADE UNIONS IN NIGERIA. FOR THIS PURPOSE THE ADMINISTRATOR IS EMPOWERED TO DRAW UP A CONSTITUTION AND ELECTION RULES FOR THE NEW ORGANISATION LIMITED OFFICIAL USE

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SATION AND TO CONDUCT ELECTIONS BY VIRTUE OF THE RULES THUS ESTABLISHED. THE CONSTITUTION AND ELECTION RULES SHALL BE APPROVED BY A CONFERENCE OF DELEGATES. IN THE EVENT OF ANY DIFFERENCE ARISING BETWEEN THE DELEGATES AND ADMINISTRATOR THE MATTER SHALL BE REFERRED TO THE LABOUR COMMISSIONER WHOSE DECISION THEREON SHALL BE FINAL.

"IN ITS REPORT THE GOVERNMENT STATES THAT THE TRADE UNIONS ADMINISTRATOR WAS APPOINTED SHORTLY AFTER THE GOVERNMENT HAD ANNOUNCED THAT IT WOULD NOT RECOGNISE THE NIGERIA LABOUR CONGRESS, RECENTLY ESTABLISHED, OWING TO A SERIES OF PETITIONS RECEIVED FROM SOME TRADE UNIONISTS AGAINST THE WAY THE LEADERS OF THE NEW CENTRAL ORGANISATION HAD APPOINTED THEMSELVES TO VARIOUS OFFICES.

"THE COMMITTEE NOTES THE GOVERNMENT'S EXPLANATIONS. IT CONSIDERS, HOWEVER, THAT THE POWERS CONFERRED BY DECREE NO. 44 TO THE ADMINISTRATOR ARE CONTRARY TO ARTICLE 3 OF THE CONVENTION ACCORDING TO WHICH ORGANISATIONS OF WORKERS AND EMPLOYERS HAVE THE RIGHT TO DRAW UP THEIR CONSTITUTIONS AND RULES, TO ELECT THEIR REPRESENTATIVES, TO ORGANISE THEIR ADMINISTRATION AND ACTIVITIES AND TO FORMULATE THEIR

PROGRAMME.

"THE COMMITTEE WISHES TO RECALL ALSO THAT THE IMPOSITION OF A SINGLE CENTRAL TRADE UNION ORGANISATION BY LEGISLATION OR REGULATION IS NOT IN CONFORMITY WITH ARTICLES 2, 5 AND 6 OF THE CONVENTION, PURSUANT TO WHICH WORKERS'

ORGANISATIONS HAVE THE RIGHT TO ESTABLISH FEDERATIONS AND CONFEDERATIONS OF THEIR CHOICE. ALTHOUGH WORKERS GENERALLY BENEFIT BY AVOIDING A MULTIPLICITY OF TRADE UNION ORGANISATIONS, THE UNITY OF THE TRADE UNION MOVEMENT MUST NEVERTHELESS NOT BE IMPOSED BY STATE INTERVENTION THROUGH LEGISLATION OR REGULATION.

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"THE COMMITTEE REQUESTS THE GOVERNMENT TO RE-EXAMINE THE TRADE UNION SITUATION IN THE LIGHT OF THE COMMENTS SET OUT ABOVE AND TO PROVIDE FURTHER INFORMATION ON ANY DEVELOPMENTS IN THIS RESPECT."

3. COMMITTEE OF EXPERTS REQUEST THAT FMG REEXAMINE TRADE UNION SITUATION AND PROVIDE FURTHER INFORMATION INDICATES THIS ISSUE WILL NOT SIMPLY GO AWAY.

4. WE ARE STRUCK BY LABOR OFFICIALS COMMENTS IN REF A ABOUT FAILURE OF LAST INTERNATIONAL LABOR CONFERENCE TO ADOPT REPORT OF COMMITTEE ON APPLICATION OF CONVENTIONS AND RECOMMENDATIONS. AS POST WILL RECALL (REF C) NIGERIAN GOVERNMENT DELEGATES OLOWU AND UKPABI FORMALLY ABSTAINED ON VOTE TO ADOPT COMMITTEE REPORT WHILE WORKER AND EMPLOYER DELEGATES DID NOT PARTICIPATE IN VOTE. SINCE BOTH ACTIONS CAN AND DID LEAD TO LACK OF QUORUM, A TACTIC FREQUENTLY USED TO DEFEAT A RESOLUTION OR MOTION, NIGERIANS CONTRIBUTED DIRECTLY TO CONFERENCE FAILURE TO ADOPT THE COMMITTEE REPORT. WHILE FMG MIGHT QUOTE NOT SUPPORT ANY MOVE I; ILO THAT WOULD ALLOW US TO JUSTIFY WITHDRAWAL FROM ORGANIZATION UNQUOTE, IT SHOULD BE NOTED THAT NIGERIAN SUPPORT FOR THOSE MEASURES WHICH WE FEEL NECESSARY FOR PROPER FUNCTIONING OF ILO WAS ALSO LACKING. THIS WAS SHOWN IN ABOVE VOTE AND IN ABSENCE OF NIGERIAN SUPPORT, EXCEPT FOR EMPLOYER REP OLA, ON PROCEDURAL VOTE WHICH HAD EFFECT OF BURYING CONSIDERATION OF REVISION OF ARTICLE 17. CHRISTOPHER

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